

REMARKS

Claims 1-33 are pending and stand rejected. All pending claims are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 1-6, 9, 14-19, 20, 24-29 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sunderasan et al. (USPN 6,463,079) in view of Bayeh et al. (USPN 6,012,098).

Claims 7, 8, 10-13, 21-23 and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sunderasan et al. (USPN 6,463,079) in view of Bayeh et al. (USPN 6,012,098) and further in view of Chen et al. (USPN 6,507,856).

However, 35 U.S.C. §103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Because the effective date of 35 U.S.C. §103(c) is November 29, 1999 and the subject patent application was filed on June 30, 2000, after the effective date of 35 U.S.C. §103(c), §103(c) is applicable. Thus, Sunderasan et al. (USPN 6,463,079) is disqualified as prior art. Evidence establishing common ownership is provided below. MPEP 706.02(l)(2).

Evidence Establishing Common Ownership

The subject application (Application No. 09/608,501) and Sunderasan et al. (US Pat. No. 6,463,079) were, at the time the invention of the subject application was made, owned by Covad Communications Group, Inc.

In view of the foregoing, withdrawal of the rejection of claims 1-33 under 35 U.S.C. §103(a) is respectfully requested.

Information Disclosure Statement (IDS) Filed on January 3, 2001

Enclosed are copies of the IDS, Form 1449, copy of one (1) cited reference and return receipt postcard bearing the USPTO stamp dated January 9, 2001. The Examiner is requested to make the cited reference of official record in this application. The Examiner is also requested to initial the listed the citation of the reference on Form 1449 and forward a copy of the initialed Form 1449 with the next communication to Applicant.

CONCLUSION

Applicant believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1217 (Order No. COVDP008).

Respectfully submitted,



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